AF/1655

PATENT

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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| *In re* Application of | ) |
| | ) Group Art Unit: 1655 |
| David Sidransky | ) |
| | ) Examiner: J. Souaya |
| Serial No. 09/164,764 | ) |
| | ) Box AF |
| Filing Date: October 1, 1998 | ) Docket No. 01107.76459 |

For: **DETECTION OF HYPERMUTABLE NUCLEIC ACID SEQUENCE IN TISSUE AND BODY FLUIDS**

**AMENDMENT AFTER FINAL REJECTION**



Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This amendment is filed in response to the Office Action mailed February 4, 2002. Claims 23-32 and 34-45 are currently pending. Claims 24-28, 34, 37, 38, and 42 are rejected. Claims 23, 29-32, 35-36, 39-41, and 43-45 are indicated as allowable over the prior art. We believe no fees are due to make this amendment timely filed. The fee for one additional independent claim is included herewith. If any additional fee is due, please charge our Deposit Account No. 19-0733.

**IN THE CLAIMS**

23. (Thrice Amended) A method for detecting lung cancer in a sputum specimen, comprising the step of:

testing a plurality of microsatellite markers in the specimen to determine a microsatellite marker length alteration relative to a control sample, wherein a microsatellite marker length alteration in the specimen relative to the control sample indicates the presence of a cancer in a

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